

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

* **DOCKET NO. 2:09-CR-179**

v.

* **SECTION: "C" 2**

CANDIDO RODRIGUEZ-JURADO

*

a/k/a Sergio Carillo

a/k/a Candido Rodriguez

*

a/k/a Candido Rodriquez

a/k/a Sergio R. Carillo

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FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **CANDIDO RODRIGUEZ-JURADO** (hereinafter "**RODRIGUEZ**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the "agent") would testify that on or about December 12, 2008, he encountered the defendant, **RODRIGUEZ**, during criminal alien program duties at the St. Tammany Parish Jail in St. Tammany Parish, in the Eastern District of Louisiana.

Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that, upon questioning the defendant under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Mexico, was illegally in the United States, and had previously been removed. The agent confirmed the defendant's illegal status through the Immigration and Customs Enforcement database.

Documentation from the records of Immigration and Customs Enforcement Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **RODRIGUEZ**, was removed from the United States to Mexico on about December 11, 2002, at or near Del Rio, Texas. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

A Certificate of Non-Existence of Record and testimony of the agent regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **RODRIGUEZ**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or about February 6, 2002, in the United States District Court for the Southern District of Texas, the defendant, **RODRIGUEZ**, was convicted of re-entry of a deported alien, a felony.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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CANDIDO RODRIGUEZ-JURADO Defendant	Date
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SAMUEL SCILLITANI Assistant Federal Public Defender LA Bar Roll No. 21371 Attorney for the Defendant	Date
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